

Notice of Allowability

Application No.

10/042,439

Examiner

Jared W. Newton

Applicant(s)

CALDERARO ET AL.

Art Unit

3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Request for Continued Examination and Amendment filed 10/12/2007.
2. ☒ The allowed claim(s) is/are 1, 5-8, 12-14, 18-20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

The instant application is allowable because: Each independent claim requires a cost and savings analysis of a resource reduction action (i.e. a workforce reduction or severance), wherein a total cost of the severance is calculated by applying a severance formula to characteristics of each employee to be severed. The sum of each individual employee severance cost (the total cost) is then compared to a budgeted cost, and modified based on the comparison. The modification is accomplished by applying a modified severance formula. A new total cost is determined and then adjusted by adding additional severance amounts to the individual employee severance costs, wherein the additional amounts are established by compensation guidelines, such as organizational guidelines or laws.

The instant application is patentable over the most relevant prior art, Roman, *Impact of an Early Retirement Program: A Case Analysis of a Community College*, 1999 (hereafter Roman), because of the following:

Roman discloses a study analyzing the outcomes of an early retirement program. Similar to the instant invention, Roman discusses the resulting savings realized by implementing the program, as well as the cost of its implementation. However, Roman does not teach the steps of re-determining the total cost of the program, nor the adding on of additional severance amounts to the re-determined sum. Whereas Roman conducts the analysis to determine whether the implementation of the program as is is feasible (Roman, page 138), the instant application compares an initial

total cost determination to a budgeted cost, and in response modifies the severance formula applied to each severed employee to arrive at a new total severance cost, which is then adjusted for additional severance pay amounts that are mandated under guidelines or laws (see e.g. claim 1). This distinction is reflected in Applicant's Remarks filed October 12, 2007, pages 12-13. The instant application is further distinguished from Roman by applying specific severance formulas to each individual employee severed, whereas Roman teaches an across-the-board determination of the cost required for employees to take part in the early retirement program (see Roman, page 86). This distinction is reflected in Applicant's Remarks filed October 12, 2007, pages 12-13.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- US Patent No. 7,225,141 to Calderaro, et al.
- US Patent No. 7,082,404 to Calderaro, et al.
- US Patent No. 7,069,266 to Calderaro, et al.

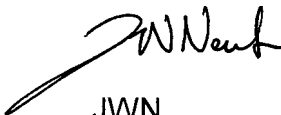
Application/Control Number:
10/042,439
Art Unit: 3692

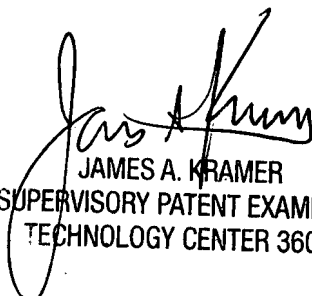
Page 4

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared W. Newton whose telephone number is (571) 272-2952. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


JWN
November 15, 2007

 11/19/02
JAMES A. KRAMER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600